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THE TRYAL OF Mr. Daniel Sutton, &c.

[Price One Shilling and Six-Pence.]

THE

TRYAL

OF

Mr. DANIEL SUTTON,

FOR THE

HIGH CRIME

OF

PRESERVING THE LIVES

OF

His Majesty's liege Subjects,

BY MEANS OF

INOCULATION.

THE SECOND EDITION.

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M.DCC.LXVII.

THE

TRYAL

OF

Mr. DANIEL SUTTON.

Begun in the College on Monday, June 1, 1767.

THIS day Daniel Sutton was brought to the bar of the Court upon a *Habeas Corpus*, in order to be arraigned on an indictment for preſerving the lives of the King's ſubjects, found by the grand jury for the county of Eſſex.

Counſel for the Cr. Mr. Preſident, there is an indictment for high crimes, and miſdemeanors, found againſt Mr. Daniel Sutton, which hath been re-

moved into this Court by *certiorari*; the *certiorari* and return thereof hath been filed, and the Priſoner is now brought into Court in order to be arraigned.

Preſident. Read the indictment.

Cl. of the Cr. Daniel Sutton, hold up your hand. You ſtand indicted by the name of Daniel Sutton, late of the town of Ingateſtone, in the county of Eſſex, for that you by inoculating, and cauſing to be inoculated, and by means of certain ſecret medicines and modes of practice, unknown to this College and to all other practitioners, not having the fear of the College in your heart, do preſume to preſerve the lives of his Majeſty's liege ſubjects; and that more eſpecially during the three years laſt paſt, you have inoculated, or cauſed to be inoculated, twenty thouſand perſons, without the loſs of one ſingle patient by inoculation, contrary to the ſtatute in that caſe made and provided.

Then the twelve jurors were ſworn and counted.

Cl. of the Cr. Cryer, make proclamation.

Cryer. O yes! If any one can inform, &c.

Cl. of the Cr. Daniel Sutton, hold up your hand. Gentlemen of the jury, look upon the priſoner and hearken to his cauſe.

Counſ. for the Cr. Mr. Preſident, and gentlemen of the jury, this indictment is for the high crime of preſerving the lives of his Majeſty's ſubjects by means of inoculation, and particularly by modes of practice and the exhibition of certain medicines unknown to this College, and to all others who practiſe the art of healing.

Gentlemen, with regard to the firſt part of this charge, namely, that of preſerving the lives of the King's liege ſubjects, we ſhall prove, beyond all poſſibility of doubt, that in twenty thouſand, whom the Priſoner hath inoculated, not one ſingle patient

hath died, whoſe death could be fairly attributed to inoculation. We ſhall then ſhew, that he conſtantly enjoins a certain unuſual regimen to be obſerved by all his patients, previous to, and during the time of, inoculation; and laſtly, we ſhall convince you, by unqueſtionable evidence, that he adminiſters to his patients diverſe medicines, the compoſition of which is an intire ſecret to this College, and to the whole faculty.

Gentlemen, it were needleſs to expatiate on the heinouſneſs of theſe crimes. Your own ſagacity, and regard to juſtice, will be your beſt guides. We ſhall ſupport our allegations by inconteſtible proof, and I make no doubt that you will find the Priſoner guilty of the crimes and miſdemeanors ſpecified in the indictment. If the Court pleaſes, we will now proceed to examine witneſſes. Call Mr. Robert Houlton.

Mr. Robert Houlton was ſworn.

Counſ. for the Cr. Do you know the Priſoner at the bar?

Houlton. I do.

Coun. for the Cr. I think, Sir, you are a clergyman?

Houlton. I am.

Counſ. for the Cr. Pray, Sir, give me leave to aſk you, whether you have had any particular connection with the Priſoner?

Houlton. Yes, Sir, I was particularly connected with him. I was his officiating clergyman.

Counſ. for the Cr. Give me leave to aſk you, whether you can give the Court any information concerning the number of perſons inoculated by the Priſoner, during the laſt three or four years?

Houlton. In the year 1764, he inoculated - - 1629

In 1765	4347
In 1766	7816
In all	13792

To

To this number ſhould be added 6000 that have been inoculated by Mr. Sutton's aſſiſtants, as he taught them his method, and as they uſe none but his medicines. So that he may be ſaid to have inoculated, within theſe three years, 20000 perſons.

C. for the Cr. How many of this number have died in conſequence of inoculation?

Houlton. Not one.

C. for the Priſoner. I think you ſaid that you was officiating clergyman to the Priſoner?

Houlton. I did ſay ſo.

C. for the Priſoner. And pray, Sir, what was your office?

Houlton. To pray with the ſick, and return thanks for their recovery.

C. for the Priſoner. Very extraordinary, truly. Give me leave to aſk you, whence you took this very exact account of the number of perſons inoculated by the Priſoner?

Houlton. From Mr. Sutton's books.

Counſ. for the Priſoner. I beg, gentle-

gentlemen of the jury, you will obſerve that this account of the number of perſons inoculated, and conſequently of the number of lives preſerved, one of the crimes of which the Priſoner ſtands accuſed, was taken only from his own books. This is a material circumſtance, and I make no doubt but you will give it its due weight.

Counſ. for the Cr. Have you any other queſtion to aſk this witneſs?

Counſ. for the Priſoner. I have done.

Counſ. for the Cr. We are perfectly ſatisfied, Mr. Houlton, with your accurate account of the number of people inoculated by the Priſoner. Now, Sir, let me aſk you a few queſtions relative to the Priſoner's peculiar method of communicating the infection. How is this performed?

Houlton. By means of a puncture ſo ſlight, that it is ſcarce felt by the patient, and which in a minute afterwards is ſcarce viſible.

Counſ.

Counſ. for the Cr. What do you know of his medicines?

Houlton. I know that they are moſt powerful. If he perceives a ſymptom in patients of a great fever, or a probability of their having more puſtules than they would chuſe, he quickly prevents both by virtue of his medicines.

Counſ. for the Cr. Do you recollect any particular inſtance of this extraordinary virtue of his medicines?

Houlton. I do. A child belonging to Mr. Barnard, of Waltham in Eſſex, was ſeized with the natural ſmall pox. As ſoon as it was diſcovered, by the puſtules making a plentiful appearance, the child was conveyed to one of Mr. Sutton's houſes. The next morning, the face and body being extreamly full, Mr. Sutton marked with a pen a great number of puſtules, and adminiſtered the medicine I allude to: ſome hours afterwards, hundreds of the puſtules diſappeared; and among them ſeveral of thoſe marked

marked leaving the little dot on the plain ſurface of the ſkin. The child did extremely well.

Counſ. for the Cr. Sir, you may retire.

Dr. GEORGE BAKER ſworn.

Counſ. for the Cr. Pray, Dr. Baker, inform the Court what you know concerning the Priſoner's practice of inoculation.

Dr. Baker. I can give the Court but little information from my own knowledge; but what I have to ſay, I received from a gentleman, whoſe accuracy in obſerving, as well as veracity in relating what he obſerved, may be relied on. All perſons are obliged to go through a ſtrict preparatory regimen for a fortnight before the operation. During this courſe, all fermented liquors and animal food, except milk, are forbid. Fruit is generally allowed, except on the days of purging. A powder is given three ſeveral times, and a doſe of purging

ſalt on the following morning. The compoſition of this powder is a ſecret. But that it contains mercury is evident, from its having ſalivated ſome patients.

Counſ. for the Cr. I beg, gentlemen of the jury, you will pleaſe to remember that the Doctor ſays, the compoſition of the powder is a ſecret. Now, Sir, pleaſe to proceed to his manner of communicating the diſeaſe.

Dr. Baker. The operator opens a puſtule on the arm of ſome patient in whom the matter is yet in a crude ſtate; and then with his moiſt lancet juſt raiſes the cuticle on the arm of the perſon to be inoculated, applying neither plaiſter nor bandage. This was his method ſome time ago; but he now generally dips his lancet only in the moiſture iſſuing from the place of inciſion, before the eruption, four days after the operation.

Counſ. for the Cr. And pray, Sir, what medicines does he give after the operation?

Dr. Baker. On the night following,

ing, the patient takes a pill, which is repeated every other night till the fever comes on.

Counſ. for the Cr. Do you know the compoſition of this pill?

Dr. Baker. No: it is a ſecret.

Counſ. for the Cr. Are the patients confined to their apartments at this period?

Dr. Baker. No: moderate exerciſe in the open air is ſtrongly recommended.

Counſ. for the Cr. Now, Sir, pleaſe to inform the Court what you have learnt concerning the progreſs of the diſeaſe and the manner of treating it.

Dr. Baker. Three days after the operation, if it ſucceed, there appears on the inciſion a ſpot, like a flea bite, not as yet above the ſkin, which gradually becomes firſt a red pimple, and then a bladder full of clear lymph, advancing to maturation with the puſtules. In proportion as the diſcolouration round the place of inciſion is

greater, the leſs quantity of eruption is expected; therefore, when this circle is ſmall, ſtronger and more frequent cathartics are exhibited. If, when the fever comes on, there appears no tendency to perſpiration, ſome acid drops, or more powerful ſudorifics, are adminiſtered. In general, during the burning heat of the fever, he gives cold water; but after the perſpiration begins, warm baum-tea, or water-gruel. As ſoon as the ſweat abates, the eruption having appeared, he obliges every body to get up, to walk about the houſe, or into the garden. From this time, to the turn of the diſeaſe, he gives milk-gruel *ad libitum*. On the following day he gives a doſe of Glauber's ſalts, and, if the eruption be conſiderable, he repeats it on the third day.

Counſ. for the Cr. Pray, Sir, can you give the Court any information relative to the number of perſons that have been inoculated by the Priſoner and his aſſiſtants?

Dr. Baker. According to the beſt information that I can procure, about ſeventeen thouſand have been thus inoculated, of which number no more than five or ſix have died.

Mr. B. CHANDLER ſworn.

Counſ. for the Cr. You, Sir, I think are a ſurgeon at Canterbury?

Mr. Chandler. I am.

Counſ. for the Cr. Pray, Mr. Chandler, can you give us any information concerning the Priſoner's ſucceſs in the practice of inoculation?

Mr. Chandler. I know nothing of Mr. Sutton's own particular practice, except from report. What I have to ſay relates only to that of one of his aſſiſtants, or partners.

Preſident. This evidence cannot affect the Priſoner at the bar, as he tells you he knows nothing of Mr. Sutton's own particular practice.

Counſ. for the Cr. I beg your pardon, Mr. Preſident, the Priſoner at

at the bar ſtands indicted for preſerving the lives of the King's ſubjects, not only by inoculating, but alſo cauſing to be inoculated.

Preſident. Proceed to his examination.

Counſ. for the Cr. Pray, Mr. Chandler, who is this aſſiſtant or partner, with whoſe practice you are acquainted?

Mr. Chandler. He is a ſurgeon of eminence at Maidſtone; his name is Peale.

Counſ. for the Cr. Where was it that you ſaw his practice?

Mr. Chandler. In the city of Canterbury.

Counſ. for the Cr. What number of perſons might he inoculate in that city?

Mr. Chandler. I cannot exactly tell; but it is conſiderable.

Counſ. for the Cr. Did any of his patients die under inoculation?

Mr. Chandler. Not that I know of.

Counſ.

Counſ. for the Cr. Did you hear Dr. Baker's evidence?

Mr. Chandler. I did.

Counſ. for the Cr. Does Mr. Peale's practice differ in any reſpect from that of the Priſoner, as related by the Doctor?

Mr. Chandler. It differs in ſome few particulars.

Counſ. for the Cr. What are theſe particulars?

Mr. Chandler. I think, Dr. Baker informed the Court that the perſons to be inoculated are a fortnight under preparation. That time is now reduced to eight days. The pill is not given every other night, as mentioned by the Doctor; many of Mr. Peale's patients not having taken it till the fifth day after inoculation. It is generally repeated on the ſeventh day, and ſometimes continued to the eighth or ninth. When the eruptive fever comes on, a ſort of julap is given to be drank *ad libitum*; compoſed of a ſmall quantity of a medicine nearly the

colour of Madeira wine, poured into a quart or pint bottle of ſpring water. It's taſte is very agreeable, cooling, and ſub-acid. And here my obſervations differ moſt from the accounts related to Dr. Baker; for though this medicine, if taken upon going to bed, did ſometimes ſeem to occaſion a ſlight perſpiration, yet an increaſed perſpiration was never, that I ſaw, or could learn, inſiſted on in the day, much leſs a profuſe ſweat at any time: for none of the patients are allowed to lie in bed, or ſit over the fire, or keep within doors, if the weather is tolerable, even during the feveriſh ſymptoms, and the only drink allowed is toaſt and water.

Counſ. for the Priſoner. I thought, Sir, you ſaid that the patients were allowed a certain ſub-acid julap *ad libitum?* and now you tell us, that the only drink allowed is toaſt-water. I beg, gentlemen of the jury, you will obſerve that he contradicts himſelf.

Mr Chandler. When I ſaid that toaſt-

toaſt-water was the only drink allowed, I certainly mean to except the julap, which I conſidered as a medicine, and the toaſt-water as common drink.

Counſ. for the Priſoner. I ſubmit it to the Court, whether he did not contradict himſelf.

Preſident. He has explained his meaning ſufficiently.

C. for the Priſoner. I ſubmit. Mr. Chandler, we deſire you will not leave the Court; we ſhall aſk you a few more queſtions by and by.

C. for the Priſ. Pray, Mr. Chandler, let me aſk you, whether you know the compoſition of the medicines given by Mr. Peale?

Mr. Chandler. I do not.

Counſ. for the Priſ. You do not. Then they are ſecret medicines?

Mr. Chandler. They are.

Counſ. for the Priſ. Sir, we have done with you. Mr. Preſident, and gentlemen of the jury, this is all the evidence we ſhall produce in ſupport of our indictment. Though it

were eaſy to corroborate every thing they have ſaid by a hundred witneſſes; yet as theſe are more than the law requires, as their evidence is ſo clear and circumſtantial, and as they are gentlemen of undoubted character, we think it totally unneceſſary to trouble you with the repetition of facts, of the truth of which you cannot poſſibly doubt.

That the Priſoner at the bar is guilty of preſerving the lives of his Majeſty's liege ſubjects, we have proved, firſt, on the evidence of the Rev. Mr. Houlton, who aſſerts, that in the ſpace of three years, he, the Priſoner, hath inoculated, or cauſed to be inoculated, no leſs than twenty thouſand perſons. Now, in the old way of inoculation, if we allow that there died one in two hundred, which I believe is about the mark, it will appear, that he hath actually preſerved the lives of one hundred people; for in the twenty thouſand inoculated by the Priſoner and his accomplices, not

not one hath died, whoſe death could be juſtly attributed to inoculation. This witneſs hath likewiſe informed you, that the Priſoner is actually poſſeſſed of a certain medicine, by the adminiſtration of which, and by the help of a magick circle drawn with a pen round the puſtules, together with a prayer compoſed and repeated by this witneſs on the occaſion, he can make them retire at the word of command, with the ſame dexterity, and in the ſame manner, as any other *Hocus Pocus* commands his little balls to paſs through the table. That this is performed by means unknown to the faculty, is very evident, as not one of them all pretends to any thing like it.

Dr. Baker, a phyſician of conſiderable reputation, after giving you a clear account of the Priſoner's extraordinary method of preparing, and manner of treating his patients thro' the whole progreſs of the diſeaſe, ſufficiently confirms the evidence of Mr.

Houlton, in regard to the number of perſons inoculated; with whom he alſo agrees in confirming that material part of our allegation, which accuſes the Priſoner of performing theſe miracles by means of ſecret medicines, and unuſual modes of practice.

Our laſt witneſs, Mr. Chandler, a very ſkilful ſurgeon, hath, in the courſe of his examination, corroborated Dr. Baker's account of the Priſoner's unprecedented mode of practice, at leaſt in the moſt eſſential points; ſo that you cannot poſſibly entertain the leaſt doubt as to facts. Gentlemen, it were very eaſy for me to expatiate on the fatal conſequences of permitting ſuch proceedings to go unpuniſhed; but your own underſtanding and impartiality will, I make no doubt, prompt you to determine with propriety: I therefore forbear to ſay any thing more that might influence your judgement. The counſel for the Priſoner may now call their evidence whenever they think proper.

Counſ. for the Priſoner. Mr. Preſident, and gentlemen of the jury, the Priſoner at the bar ſtands indicted for preſerving the lives of his Majeſty's liege ſubjects, by ſecret medicines and modes of practice, and by inoculating, or cauſing to be inoculated, divers perſons, &c. With regard to his preſerving the lives of the King's ſubjects, it has been ſo inſufficiently proved, that we ſhall not take up your time in diſproving it; but as to his ſecret medicines, we ſhall ſhew you that the ingredients of which they are made are certainly known, and conſequently that they are not ſecret medicines. We ſhall prove to you, by undeniable evidence, that the ſame medicines have been long recommended and adminiſtered for the ſame purpoſes, and with equal ſucceſs. And we ſhall, laſt of all, produce a witneſs of unqueſtionable authority, who will convince you that the ſucceſsful practice of inoculation does not depend on any peculiar medicine whatſoever, and conſe-

conſequently that the Priſoner is perfectly guiltleſs of the crimes of which he ſtands accuſed. Call Dr. Thomas Ruſton.

Dr. Thomas Ruston ſworn.

Pray, Dr. Ruſton, have you any knowledge of the compoſition of certain medicines uſed by the Priſoner at the bar, in his practice of inoculation?

Dr. Ruſton. I believe I have.

Counſ. for the Priſ. What is the form of theſe medicines?

Dr. Ruſton. Powders, pills, and drops.

Counſ. for the Priſoner. What are he ingredients which compoſe the powder?

Dr. Ruſton. I verily believe the powder to conſiſt entirely of calomel and æthiops mineral.

Counſ. for the Priſ. What are your reaſons for thinking ſo?

Dr. Ruſton. My reaſons are found-

ed

ed on chemical experiment and analogy.

Counſ. for the Priſoner. What experiment and what analogy?

Dr. Ruſton. 1ſt. To a ſmall quantity of Mr. Sutton's powder, which was of a greyiſh colour, I added a few drops of volatile alkali, which immediately changed it to a deep black. 2dly. To a ſmall quantity of the ſame, a few drops of a ſolution of ſalt of tartar were added, which produced the ſame colour. 3dly, A few drops of lime-water were added, which alſo changed the powder black, but not quite ſo black as in experiment 1 and 2. The colour and weight of Mr. Sutton's powder were exactly imitated by the addition of ſix grains of æthiops to ten grains of calomel, and by repeating the above experiments with this compoſition, it was found to exhibit exactly the ſame phenomena.

Counſ. for the Priſoner. Now, Sir, as to the pills?

Dr.

Dr. Ruſton. The pills, from their ſmell, taſte, colour, and effects, are evidently no other than the well-known *pilulæ cochiæ*, with a ſmall addition of calomel.

Counſ. for the Priſoner. Did you make no experiment with the pills?

Dr. Ruſton. Yes. I poured on one of them a few drops of volatile alkali, and it immediately ſtruck a deep black. The ſame appearance was produced by ſalt of tartar, and by lime-water. I then added a few grains of calomel to the *pilulæ cochiæ*, and repeated the experiments with the ſame effect.

Counſ. for the Priſoner. And what diſcoveries have you made concerning the drops?

Dr. Ruſton. The acid drops with which he prepares his punch, is ſo obviouſly of the ſame nature with the dulcified volatile vitriolic acid that ariſes during the diſtillation of æther, and which is the ſame with what exiſts in large quantities in the *liquor anodi-*

nus

nus of Hoffman, that it was unneceſſary to ſubmit it to any chemical experiment. There was nothing foreign in its compoſition.

Counſ. for the Cr. Not to interrupt the courſe of your examination, I beg leave, before you proceed, to aſk the Doctor one queſtion. If I remember right, you ſaid, the powder contained ten grains of calomel. Pray, Doctor, is not this an unuſual large doſe?

Dr. Ruſton. As an alterative it certainly is ſo; and therefore Mr. Sutton's powders have often been known to ſalivate the patient. But its activity is ſomewhat weakened by the ſulphur contained in the æthiops.

Counſ. for the Cr. But has it not been generally ſuppoſed that there was ſome other powerful ingredient in Mr. Sutton's medicines?

Dr. Ruſton. Yes, antimony. But from my experiments, I am convinced of the contrary.

Counſ. for the Priſ. Now, Doctor, give me leave to aſk you, whether the ex-

 hibition

hibition of mercury, as preparative to inoculation, be the invention of the Priſoner at the bar?

Dr. Ruſton. Certainly not.

Counſ. for the Priſ. Who were the inventors of this practice?

Dr. Ruſton. I cannot anſwer poſitively to that queſtion. The great Boerhaave, in his Aphoriſms, recommended the experiment of uniting mercury with antimony as an antidote to the variolous *virus*; but I believe ſome American phyſicians were the firſt who uſed mercury in preparing for inoculation.

Counſ. for the Priſ. And with what ſucceſs?

Dr. Ruſton. With very great. Out of the firſt three thouſand inoculated, only five died; and theſe were all children, who could not be prevailed on to take the medicine.

Counſ. for the Priſ. I beg, gentlemen of the jury, you will remember this circumſtance---All that took the mercurial medicines recovered.

Pray,

Pray, Dr. Ruſton, was this new method of preparation long confined to any particular phyſician, or part of America?

Dr. Ruſton. No: the fame of its extraordinary ſucceſs ſoon produced a number of inoculators on the new plan; ſo that in a ſhort time it ſpread from one end of the continent to the other.

Counſ. for the Priſ. Did theſe ſeveral inoculators all give preciſely the ſame medicines?

Dr. Ruſton. Not preciſely.

Counſ. for the Priſ. In what reſpect do they differ?

Dr. Ruſton. Principally in the proportions of calomel and antimony.

Counſ. for the Priſ. But they all agreed in giving calomel?

Dr. Ruſton. All.

Counſ. for the Priſ. Did they agree in any other reſpect?

Dr. Ruſton. Yes: they all gave cathartics, and during the eruptive fe-

ver treated their patients in the antiphlogiſtic method.

Counſ. for the Priſ. Were their patients under any reſtrictions in regard to diet?

Dr. Ruſton. In general they were ordered to abſtain from ſalt food, ſpirituous liquors, butter, oil, and ſuch like.

Counſ. for the Priſ. You have given a very ſatisfactory account of theſe matters. Now give me leave to aſk, whether you yourſelf practiſe inoculation?

Dr. Ruſton. I do.

Counſ. for the Priſ. Do you prepare your patients?

Dr. Ruſton. Certainly.

Counſ. for the Priſ. Do you confine your patients to any particular diet?

Dr. Ruſton. I order them to abſtain from animal food, ſpirituous liquors, and ſpices.

Counſ. for the Priſ. And what medicines do you preſcribe?

Dr. Ruſton. They conſiſt principally of mercurials and antimonials.

Counſ. for the Priſ. Do you believe there is any ſpecific virtue in theſe medicines? Do you give them as antidotes?

Dr. Ruſton. By no means. I give them merely as evacuants, and accordingly proportion them to the conſtitution and age of the patient.

Counſ. for the Priſ. Can you ſay any thing, from experience, of the ſucceſs of your method, compared with that of the Priſoner at the bar?

Dr. Ruſton. I can ſay, from experience, that my method, in point of ſucceſs, is fully equal to his.

Counſ. for the Priſ. What is your opinion of his cold regimen?

Dr. Ruſton. I approve of it in general, and practiſe it; but not in the extreme.

Counſ. for the Priſ. What is your opinion as to the manner of communicating the infection?

Dr.

Dr. Ruſton. I think it a matter of little importance. That of juſt raiſing the ſkin with the point of a lancet, which has been dipped into a puſtule, and then rubbing the matter which adheres to it on the wound with the finger, ſeems to be as good a one as any.

Counſ. for the Priſ. One queſtion more. Do you think, upon the whole, that the Priſoner at the bar poſſeſſes any ſecret, to which his ſucceſs is to be attributed?

Dr. Ruſton. I think it muſt have appeared, from the evidence I have given, that he poſſeſſes no ſecret at all.

Counſ. for the Priſ. We ſhall now recall one of their own witneſſes; a gentleman of undoubted veracity; whoſe evidence, if it have proved any thing againſt the Priſoner, will, upon farther examination, be found to prove much more in his favour.

Dr.

Dr. Baker.

Pray, Dr. Baker, is the practice of preparing perſons for the ſmall pox with calomel peculiar to the Priſoner at the bar?

Dr. Baker. By no means: it is a very general practice. There are ſeveral phyſicians of credit who inſiſt ſtrenuouſly on its good effects.

Counſ. for the Priſ. Is it common to give purgative medicines on this occaſion?

Dr. Baker. That in general two or three doſes of ſome purging medicine ought to be given, almoſt all inoculators have agreed.

Counſ. for the Priſ. Now, Dr. Baker, give me leave to aſk you, as a phyſician, whether it be your opinion that the marvellous ſucceſs, of which the Priſoner ſtands accuſed, be owing to the peculiar virtue of any medicine or medicines, known only to himſelf and his accomplices?

Dr.

Dr. Baker. I am of opinion it is not.

Counſ. for the Priſ. To what cauſe then do you aſcribe that ſucceſs?

Dr. Baker. Principally to the free uſe of cold air.

Counſ. for the Priſ. Is he the only inoculator who allows his patients the free uſe of cold air?

Dr. Baker. Not now: the practice is at preſent very general in many parts of this kingdom.

Counſ. for the Priſ. Was he the inventor of this cold regimen?

Dr. Baker. I cannot accuſe him of being the inventor, becauſe it is ſtrenuouſly recommended, in the natural ſmall pox, by writers of the firſt rank, particularly Sydenham, whoſe works are in the hands of every phyſician.

Counſ. for the Priſ. We ſhall now call a phyſician ſufficiently known in the medical world, particularly by his *Analyſis of Inoculation.*

Dr. KIRKPATRICK ſworn.

Counſ. for the Priſ. I think, Sir, you have had much experience in the practice of inoculation?

Dr. Kirkpatrick. I have.

Counſ. for the Priſ. Have you been long accuſtomed to give calomel in preparing your patients?

Kirkpatrick. It hath long been my practice, as appears from my book.

Counſ. for the Priſ. Has it been your practice to confine your patients to any particular regimen?

Dr. Kirkpatrick. It appears from my *Analyſis*, that I regulate my practice, in this reſpect, according to age and conſtitution; but in general I adviſe that they ſhould abſtain from fleſh meat, ſpirituous liquors, and, in ſhort, every thing inflammatory, or difficult of digeſtion.

Counſ. for the Priſ. I beg, gentlemen of the jury, you will take notice that the Doctor preſcribes a vegetable

diet; ſo that this is no new thing. Pray, Doctor, when was your *Analyſis* printed?

Dr. Kirkpatrick. The firſt edition, in the laſt King's reign, and the ſecond in the year 1761.

Dr. BENJAMIN GALE ſworn.

Counſ. for the Priſ. You are a phyſician, I think?

Dr. Gale. I am.

Counſ. for the Priſ. Where do you live?

Dr. Gale. At Connecticut in New England.

Counſ. for the Priſ. Have you practiſed inoculation?

Dr. Gale. I have inoculated many hundreds.

Counſ. for the Priſ. Do you prepare your patients with calomel?

Dr. Gale. I do.

Counſ. for Priſ. With what ſucceſs?

Dr. Gale. With very great ſucceſs. In eight hundred patients, I have loſt but one.

Mr.

Mr. GATTI ſworn.

Counſ. for the Priſ. If I am properly inſtructed, you, Sir, have practiſed inoculation in France?

Mr. Gatti. Some time ago I was much employed in that buſineſs at Paris.

Counſ. for the Priſ. In what manner did you prepare your patients?

Mr. Gatti. I was always an enemy to any general plan: I paid the leſs regard to preparation, becauſe I knew, that in all the Levant, where the natural ſmall-pox is as fatal as elſewhere; and where you may find old women who have inoculated ten thouſand people without an accident: the only enquiry is, whether the patient is prepared by nature. All that is conſidered, is, whether the breath be ſweet, the ſkin ſoft, and whether a little wound in it heals eaſily. Whenever theſe conditions are found, they inoculate without the leaſt apprehenſion of danger.

C. for the Prif. We ſhall now call a witneſs, who has already been examined by the counſel on the other ſide.

Mr. CHANDLER.

Counſ. for the Prif. You, Sir, ſeem to have obſerved the Suttonian practice with a good deal of attention: pleaſe to inform the Court, whether you attribute the ſucceſs of this new method to the virtue of his medicines.

Mr. Chandler. I attribute his extraordinary ſucceſs neither to his medicines, nor his cool regimen, but principally to his method of communicating the infection by means of the crude lymph before it has been ultimately variolated by the ſucceeding fever; and I found my opinion on that being the only circumſtance in which he differs from other inoculators.

Counſ. for the Prif. Which, gentlemen of the jury, you will pleaſe to obſerve,

obſerve, is no ſecret: it is, indeed, a circumſtance which could not poſſibly be concealed; for the method of performing the operation muſt not only be obvious to every patient, but to every by-ſtander.

Dr. GLASS ſworn.

Counſ. for the Priſ. If I am not miſinformed, you practiſe phyſic in the city of Exeter?

Dr. Glaſs. I do.

Counſ. for the Priſ. I preſume, Doctor, you have heard of theſe mighty miracles ſaid to be performed by the Priſoner at the bar?

Dr. Glaſs. I have; and have moreover been at ſome pains to diſcover the cauſe of theſe miracles.

Counſ. for the Priſ. Do you know of any other miraculous inoculator?

Dr. Glaſs. There is, in Somerſetſhire, an operator who hath inoculated, at leaſt, ſeventeen hundred patients, with the loſs of two only.

Counſ.

Counſ. for the Priſ. Are you acquainted with his method?

Dr. Glaſs. I am.

Counſ. for the Priſ. Is it different from that of the Priſoner?

Dr. Glaſs. It is apparently, though perhaps not eſſentially, different.

Counſ. for the Priſ. Pray, Doctor, favour the Court with an account of this practice.

Dr. Glaſs. This Somerſetſhire operator inoculates all that apply to him for that purpoſe, without examining in what ſtate of health they are, or have been, or aſking them a ſingle queſtion. He always begins his proceſs with communicating the infection. After this he bleeds ſome, purges all twice, confines them to a low diet, forbids exerciſe, and whatever quickens the motion of the blood. Every one, as ſoon as the eruptive fever begins, is put to bed in a room that is ſhut up cloſe, to keep out the cool air, is well covered with bed-cloaths, and has plenty of baum tea given him to make him ſweat.

ſweat. But if this doth not anſwer, a ſweating powder, which, being taſteleſs, is ſuppoſed to be ſome antimonial preparation, is adminiſtred. By theſe means, a plentiful ſweat is procured, and continued till the eruption is compleated. The patient is then permitted to get up, walk about the houſe, and to go out, if he pleaſeth, into the open air, when the weather is not unfavourable.

Counſ. for the Priſ. I think, Sir, you ſaid that you had been at ſome pains to diſcover the cauſe of the miraculous ſucceſs aſcribed to this new method of inoculation, as it is called: is it your opinion that it is owing to any peculiarity in his preparatory courſe?

Dr. Glaſs. No; becauſe the reſult of inoculation after various methods of preparation, and without any preparation at all, as appears from the practice of the Somerſetſhire man, are much the ſame.

Counſ. for the Priſ. Do you aſcribe it to the uſe of mercury?

Dr. Glaſs. No; becauſe I certainly know, that ſome gentlemen of my acquaintance, who make it a conſtant rule to prepare with mercurials, have not been more ſucceſsful than ſome others, who ſeldom or never uſe any mercurial preparation before or after the operation.

Counſ. for the Priſ. Are you of opinion that it is to be attributed to his extreme cool regimen?

Dr. Glaſs. No; though I approve it in general: nevertheleſs, I will venture to ſay, that I have met with ſome caſes, in which cordial medicines were neceſſary. Yet I apprehend, that a cloſe room and hot air are always extremely prejudicial in every ſtage of the ſmall-pox, and in all kinds of fevers.

Counſ. for the Priſ. Do you lay any ſtreſs on the manner of communicating the infection?

Dr. Glaſs. No; it can make but little difference whether the infectious matter is applied to a ſlight wound of the

the ſkin on the point of a lancet, or a bit of thread.

Counſ. for the Priſ. To what cauſe then do you aſcribe the great ſucceſs of the Suttonians?

Dr. Glaſs. It ſeems highly probable, that their ſingular ſucceſs is chiefly owing to their ſingular method of diſpoſing their patients to ſweat, and then ſweating them, by the medicines they give after inoculation, and during the eruptive fever.

Counſ. for the Priſ. Mr. Preſident, and gentlemen of the jury, we ſhall now produce a witneſs, whoſe ſucceſsful practice in the particular branch of inoculation is univerſally known to have been equal to that of the Priſoner at the bar; and whoſe evidence (if of the Priſoner's innocence there yet remain *a loop to hang a doubt on)* will certainly put the matter beyond all diſpute.

Dr. DIMSDALE ſworn.

C. for the Priſ. Hertford, I think, Doctor, is the place of your reſidence?

Dr. Dimſdale. It is.

Counſ. for the Priſ. Pray, Dr. Dimſdale, have you been long in the practice of inoculation?

Dr. Dimſdale. Upwards of twenty years.

Counſ. for the Priſ. Has your practice in that branch of your profeſſion been extenſive?

Dr. Dimſdale. Very extenſive.

Counſ. for the Priſ. Have you loſt many patients under inoculation?

Dr. Dimſdale. About fourteen years ago I had one patient, who, after the eruption of a few diſtinct puſtules, died of a fever, which I eſteemed wholly independent of the ſmall-pox.

Counſ. for the Priſ. Did you then, in upwards of twenty years, never loſe a patient, whoſe death could be juſtly aſcribed to inoculation?

Dr. Dimſdale. Not one.

Counſ. for the Priſ. Perhaps, Doctor, you have been particularly careful in the choice of your ſubjects?

Dr. Dimſdale. Not in the leaſt: I have

have inoculated perſons of all ages, all conſtitutions, and at all ſeaſons of the year.

Counſ. for the Priſ. In what manner do you prepare your patients? Do you confine them to any particular regimen?

Dr. Dimſdale. In directing the preparatory regimen, I principally aim at theſe four points: to reduce the patient, if in high health, to a low and more ſecure ſtate; to ſtrengthen the conſtitution, if too low; to correct what appears vitiated; and to clear the ſtomach and bowels, as much as may be, from all crudities and their effects. With theſe intentions, therefore, I order them to abſtain from animal food, ſpirituous liquors, and ſpices, for ten days before the operation; during which time, I give three doſes of a powder compoſed of eight grains of calomel, the ſame quantity of the compound powder of crabs claws, and one-eighth of a grain of emetic tartar:

this powder is taken over-night, and a doſe of Glauber's ſalts in the morning. On the days of purging I allow broths.

Counſ. for the Priſ. In what manner do you uſually communicate the infection?

Dr. Dimſdale. With a lancet, dipped in the variolous matter, I make an inciſion as ſhort as poſſible, and ſo ſlight as to paſs only juſt through the ſcarf-ſkin. I then ſtretch the little wound with my finger and thumb, and moiſten it with the matter on the point of my lancet. This operation I generally perform on both arms, to prevent diſappointment.

Counſ. for the Priſ. Do you take the matter from the natural ſmall-pox, or do you prefer that taken from a perſon inoculated?

Dr. Dimſdale. It ſeems to be of no conſequence, whether infecting matter be taken from the natural, or inoculated ſmall-pox. I have uſed both, and never have been able to diſ-

cover

cover the leaſt difference, either in point of certainty of infection, the progreſs, or the event; and, therefore, I take the infection from either, as opportunity offers, or at the option of my patients or their friends.

Counſ. for the Priſ. Did you ever inoculate with the lymph taken before the criſis of the diſtemper?

Dr. Dimſdale. I have taken a little clear fluid from the elevated pellicle on the inciſed part, even ſo early as the fourth day after the operation; and have at other times uſed matter fully digeſted after the criſis, with equal ſucceſs. I chuſe, however, in general, to take matter for infection during the fever of eruption, as I ſuppoſe it at that time to have it's utmoſt activity.

Counſ. for the Priſ. What medicines do you preſcribe after communicating the infection?

Dr. Dimſdale. On the ſecond day, in the evening, I uſually give a pill, compoſed of calomel and compound

powder

powder of crabs claws, each three grains, with one-tenth of a grain of emetic tartar. This I alſo repeat on the firſt appearance of the eruptive ſymptoms, in caſe they ſeem to indicate any uncommon degree of vehemence; and the next morning I order a doſe of purging phyſic.

Counſ. for the Priſ. Do you confine your patients to their beds during the eruptive fever?

Dr. Dimſdale. By no means: on the contrary, as ſoon as the ſymptoms of the eruptive fever come on, they are directed, when the purging medicines have operated, to keep abroad in the open air, be it ever ſo cold, as much as they can bear, and to drink cold water, if thirſty; always taking care not to ſtand ſtill, but to walk about moderately while abroad.

Counſ. for the Priſ. Is this your conſtant practice?

Dr. Dimſdale. It's effects are ſo ſalutary, and ſo conſtantly confirmed by experience, and an eaſy progreſs through

through every ſtage of the diſeaſe depends ſo much upon it, that I admit of no exception.

Counſ. for the Priſ. Now, Doctor Dimſdale, give me leave to aſk you, whether you are poſſeſſed of any medicine by which you can repel a number of puſtules, when they appear too numerous, leaving only ſuch a quantity as the patient ſhall deſire?

Dr. Dimſdale. I am, indeed, poſſeſſed of no ſuch medicine. Sometimes the whole ſurface of the ſkin is covered with a raſh, intimately mixed with the variolous eruption. This raſh has been often miſtaken for the confluence it ſo much reſembles, and has afforded occaſion for ſome practitioners, either ignorantly or diſingenuouſly, to pretend, that after a very copious eruption of the confluent pox, they can, by a ſpecific medicine, diſcharge the major part of the puſtules, leaving only as many diſtinct ones as may ſatisfy the patient that he has the diſeaſe.

Counſ. for the Priſ. Thank you, Sir; the Priſoner is much indebted to you for this explanation of the matter. You have ſufficiently cleared him from the imputation of ſorcery. Pray, Doctor, let me aſk, whether you ever inoculated without preparation?

Dr. Dimſdale. I have often inoculated without any preparation at all, and have always had the ſame ſucceſs.

Counſ. for the Priſ. To what then do you chiefly aſcribe the ſucceſs of this new method?

Dr. Dimſdale. I can only anſwer, that although the whole proceſs may have ſome ſhare in it, in my opinion it conſiſts chiefly in the method of inoculating with recent fluid matter, and in the management of the patients at the time of eruption.

Counſ. for the Priſ. Mr. Preſident, and gentlemen of the jury, the evidence which we have examined, on behalf of the Priſoner at the bar, have

ſpoken

ſpoken ſo poſitively, and have in general delivered themſelves with ſo much preciſion, that there can be no doubt but you are perfectly ſatisfied that he is innocent of the crimes laid to his charge in the indictment : nevertheleſs, in order to collect the whole into one point of view, I ſhall briefly recapitulate what hath been proved, and endeavour to point out thoſe circumſtances which principally merit your attention.

The Priſoner ſtands indicted for preſerving the lives of his Majeſty's liege ſubjects, by means of ſecret medicines, and modes of practice, unknown to the faculty. The firſt part of this charge was ſupported almoſt entirely on the evidence of a perſon who calls himſelf officiating clergyman to the priſoner. This gentleman told you, that his office was, to pray with the ſick, and to return thanks for their recovery. But he had told you before, that the Priſoner never loſt a ſingle patient by inoculation ; conſequently

there was no danger, and conſequently no more reaſon to pray at this time than at any other. An officiating clergyman, therefore, in this caſe, ſeems ſo perfectly unneceſſary, as to render his account of his office ridiculous and incredible; a circumſtance which greatly invalidates his evidence: and leſt you ſhould be improperly influenced by your ſpecial regard to the ſacred function of this officiating gentleman; leſt you ſhould allow the ſuppoſed gravity of his character to add weight to his teſtimony; we ſhall now call a witneſs of ſome conſequence, who, in few words, will give you a juſt idea of the reverend Mr. Houlton.

MONTHLY REVIEW ſworn.

Counſ. for the Priſ. Pray, Sir, do you know any thing of a perſon who calls himſelf officiating clergyman to the Priſoner at the bar?

M. Review.

M. Review. I remember one Robert Houlton, who gave himſelf that title.

Counſ. for the Priſ. Is he an author?

M. Review. Yes; he lately publiſhed a ſermon, with an appendix concerning inoculation.

Counſ. for the Priſ. And what is his character?

M. Review. I am ſorry to ſay, this reverend ſon of the church deſcends to the level of a mere *noſtrum-puffer.*

Counſ. for the Priſ. I beg, gentlemen of the jury, you will take notice; *a mere noſtrum-puffer.* And pray, Mr. Review, is this *noſtrum-puffer* forgetful of the uſual, the proper gravity of his profeſſion?

M. Review. From the low wit, and familiarity with which he preſumes to treat the moſt reſpectable characters, he might eaſily be miſtaken for the Merry-Andrew of ſome wonder-working profeſſor of the ſtage-itinerant.

Counſ.

Counſ. for the Priſ. Merry-Andrew of ſome wonder-working profeſſor of the ſtage-itinerant! I beg, gentlemen of the jury, you will remember, that this noſtrum-puffer, this Merry-Andrew, is their principal evidence, their corner ſtone upon which the firſt and moſt material part of the indictment depends; namely, that part which accuſes the Priſoner of preſerving, in an eſpecial manner, the lives of his Majeſty's liege ſubjects. I ſay, in an eſpecial manner; for tho' it be not thus expreſſed in the indictment, it is certainly implied.

Counſ. for the Crown. This is too much. I beg, Mr. Preſident, the counſel for the Priſoner may not be ſuffered to miſlead the jury by implications in the indictment. The fate of the Priſoner at the bar muſt depend ſolely on the *letter* of the indictment. We admit of no implications. My Lord Cook——

Preſident. You muſt abide by the letter of the indictment. Council for the Priſoner, proceed. *Counſ.*

Counſ. for the Priſ. Gentlemen of the jury, I was going to obſerve, when I was interrupted by the counſel on the other ſide, that unleſs we ſuppoſe the Priſoner peculiarly, or eſpecially, or uncommonly guilty of preſerving the lives of the King's ſubjects, this will appear, at leaſt, to be a malicious proſecution; and that it really is ſo, can admit of no doubt, when you recollect, from the general tenour of our evidence, how many other inoculators might, with equal juſtice, have been indicted for the ſame offence. Doctor Dimſdale, in particular, in the courſe of twenty years extenſive practice hath loſt no patients; and I will venture to affirm, that there are now in this metropolis, and in the neighbourhood, a very conſiderable number of inoculators, who have been equally ſucceſsful with the Priſoner at the bar. Certainly, therefore, this is a malicious proſecution, and ought to be conſidered as ſuch.

As

As to that article of the indictment, which relates to the means of perpetrating the crime of which the Priſoner is accuſed, namely, by ſecret medicines and modes of practice unknown to this College, and to all other practitioners, we have proved very clearly, by Dr. Ruſton's experiments, that the compoſition of the medicines is certainly known. But that they conſiſt chiefly of a mercurial preparation, is ſufficiently evident from their effects. Now that mercury hath been very commonly uſed as a preparative to inoculation, we have proved to you by the teſtimony of ſeveral witneſſes of indiſputable character. And with regard to the vegetable diet, enjoined by the Priſoner at the bar, it is ſo far from being peculiar to him, that it hath very long been the common practice. As to his manner of communicating the infection by means of the lymph taken before the eruptive fever, whether it be the invention of the Priſoner, or

not, is a matter of no importance, as it is now a very common, and therefore not a ſecret mode of practice.

I come now to that part of his practice, in which he hath been thought moſt ſingular, and which hath generally been imagined to be his own invention: I mean his cool regimen; that is, the practice of expoſing his patients to the open air, and giving them cold water to drink. But, though this practice may not have been carried to the preſent extreme by regular phyſicians, it is nevertheleſs moſt certain, that they could not be ignorant how ſtrenuouſly it was recommended, in the natural ſmall-pox, by many writers of the firſt diſtinction.

Rhaſes, an Arabian phyſician, who wrote ſome hundred years ago, in his chapter *De præſervatione, et de modo impediendi*, &c. expreſſes himſelf, concerning the uſe of cold water, in order to extinguiſh the variolous fever, in theſe words: *Bibendam præbe aquam*

aquam in nive refrigeratam in ſummo frigiditatis gradu, effuſim et affatim datam, et brevibus intervallis; ita ut ea prematur, et frigiditatem ejus ſentiat in inteſtinis ſuis ægrotus. Quod ſi poſthac febricitet, et in illum redierit ardor; potui illam dato ſecunda vice, videlicet a libris duabus ad tres, et amplius, in ſemihoræ ſpatio. Quod ſi adhuc calor redierit, et venter aqua repletus fuerit; fac ut illam evomat: tum denuo aquam bibendam præbe. Thus, gentlemen of the jury, you hear, that this early, this celebrated writer on the ſmall-pox, carried the uſe of cold water far beyond the practice of our moſt adventurous inoculators. He not only ordered his patients to drink cold water till they were full, but made them ſpew it up, and drink again. Now, though our learned and regular phyſicians, who had ſome tenderneſs for their patients, and ſome reputation to loſe, did not dare to try what appeared to them a dangerous experiment, it is, nevertheleſs, a prac-

a practice of which they could not be ignorant; and of which the Priſoner is undoubtedly guiltleſs of being the inventor.

Our immortal Sydenham is ſo univerſally known to have been a ſtrenuous advocate for the cool method of treating patients in the ſmall-pox, that to quote him upon this occaſion, were unneceſſary and impertinent.

The learned Boerhaave, in aphoriſm 1399, adviſes the cool regimen in theſe words: *In primo initio apparentis inflammationis externe, videtur requiri cautela, ne vergat in ſuppurationem, aut curandum ut minima fiat, procul a capite, & tarda; quod fit, victu tenuiſſimo putredini reſiſtente; potu diluente, blando, ſubacidulo &c. regimine frigidiuſculo, maxime admiſſu puri & frigidi aëris.* So that in this aphoriſm we diſcover not only the liberal admiſſion of pure and cold air, but alſo, the ſub-acid liquor, and antiſeptic regimen, of which the Priſoner

ſoner at the bar hath ſo unjuſtly been ſuppoſed the inventor.

The celebrated Dr. Mead, though he does not adviſe the extreme cold regimen, nevertheleſs, in regard to cool air, ſays, *In primis autem curandum eſt, ut purum aërem, eumque frigidulum, ubertim trahere poſſit.*

Dr. Kirkpatrick, in his Analyſis of inoculation, though he thought it not adviſable to attempt an entire extinction of the ordinary proceſs of the diſeaſe in queſtion, ſays, "Notwithſtanding we have little to oppoſe to it's moſt virulent operation but powerful acids, ſtyptics, and not only free ventilating air, but, perhaps, the ſtrongeſt potential cold we can generate and apply."

Thus, gentlemen of the jury, it appears, beyond all diſpute, that the Priſoner at the bar is ſo far from having preſerved the lives of his Majeſty's liege ſubjects, by ſecret medicines and modes of practice unknown to the faculty in general, that all his medicines

cines have been generally preſcribed, and every article of his proceſs either practiſed or recommended by a great variety of authors, whoſe works are univerſally ſtudied.

Gentlemen of the jury, I make no doubt but you are perfectly convinced that the Priſoner is guiltleſs of the crimes ſpecified in the indictment. But his accuſers, not ſatisfied with their general charge, have, in the courſe of their evidence, endeavoured to convict him of dealing with the Devil; they have endeavoured to prove him guilty of witchcraft; they have endeavoured to make you believe, that, by means of a certain medicine, and a magic circle drawn with a pen round the puſtules, with the addition of a prayer repeated (backwards I ſuppoſe) by his officiating clergyman; I ſay, they have endeavoured to perſuade you, that, by the help of the black art, he is able to make the puſtules retire at the word of command. But, gentlemen of the

jury, I beg you will remember, that Dr. Dimſdale has clearly explained this matter; he told you, That theſe ſuppoſed puſtules were nothing more than a raſh, which frequently accompanies the ſmall-pox, and which naturally retires of it's own accord, without the aſſiſtance of the black art, and, conſequently, that the Priſoner at the bar is no conjurer.

Counſ. for the Cr. Mr. Preſident, and you gentlemen of the jury, it is now late, and you muſt neceſſarily be fatigued by your cloſe attention to a long tryal. I ſhall not, therefore, treſpaſs on your patience, by a circumſtantial reply to the elaborate ſpeech which you have juſt heard; I ſhall only intreat you to recollect the tenor of our indictment, and the poſitive evidence by which it hath been proved. You have too much underſtanding to be improperly biaſſed by fine ſpeeches, and too much integrity not to determine a cauſe of ſuch importance according to the laws of juſtice and equity.

Preſident.

Preſident. Gentlemen of the jury, Daniel Sutton, the Priſoner at the bar, is indicted for the high crime of preſerving the lives of his Majeſty's liege ſubjects, by inoculating, or cauſing to be inoculated, twenty thouſand perſons, in the ſpace of three years, and by ſecret medicines and modes of practice unknown to this College, and to all other practitioners.

The firſt witneſs produced, in ſupport of this heavy charge, was Mr. Robert Houlton, who ſwears poſitively as to the number of perſons inoculated, and tells you he had his information from the Priſoner's own books. He is no leſs poſitive on the article of ſecret medicines, by means of which the Priſoner has a power, unknown to the faculty, of cauſing the puſtules to diſappear at pleaſure.

Dr. Baker, the ſecond witneſs, gave you a clear account of the Priſoner's general practice, but as he related nothing of his own proper know-

ledge, his evidence, in law, proves nothing againſt the Priſoner at the bar.

Mr. Chandler, the third witneſs againſt the Priſoner, relates the practice of one of his accomplices, by whoſe means many have been preſerved; and he likewiſe told you, that the compoſition of the medicines is not known.

Theſe are all the evidence produced in ſupport of the indictment. We come now to thoſe that have been examined in behalf of the Priſoner: the firſt of which was Dr. Ruſton, who, by the reſult of a courſe of chemical experiments, has diſcovered the compoſition of theſe ſecret medicines; conſequently, at the time when this indictment was laid, they were not ſecret medicines. This witneſs likewiſe informs you, that mercury, which appears to have been the chief ingredient, hath been long in uſe, eſpecially in America, as a preparative to inoculation. He told you alſo, that the regimen preſcribed by the American

rican phyſicians was very ſimilar to that of the Priſoner at the bar, and that he himſelf, purſuing the ſame general plan, has been no leſs ſucceſsful than the Priſoner at the bar; and he concludes with declaring, that he does not believe him poſſeſſed of any ſecret to which his ſucceſs can be attributed.

The Counſel for the Priſoner then recalled Dr. Baker; who declared, that preparing perſons for inoculation with calomel, and other purgative medicines, is a common practice; that the ſucceſs, aſcribed to the Priſoner, is not owing to any peculiar virtue in his medicines, but chiefly to the free uſe of cold air; and that this part of his practice is now very general, and not his own invention.

The next witneſs was Dr. Kirkpatrick; who teſtifies, that for many years paſt he hath been accuſtomed to prepare his patients in a manner very ſimilar to that of the Priſoner at the bar.

Dr.

Dr. Gale informed you, that he always prepared his patients with calomel.

Dr. Gatti told you, that he paid little regard to preparation, becauſe the people in the Levant are ſucceſsful without it.

Mr. Chandler, who had already been examined by the Counſel againſt the Priſoner, being recalled, gives it as his opinion that the ſucceſs of this Suttonian practice is owing entirely to the manner of communicating the infection, which, as it is performed openly, can be no ſecret.

The next witneſs was Dr. Glaſs, who informed the Court that there is a certain operator in Somerſetſhire, who without any preparation at all hath inoculated ſeventeen hundred with the loſs of two patients only. Being aſked his opinion as to the cauſe of the ſucceſs of this new method, as it is called, he told you, that he believed it to be principally owing to the exhibition of ſudorific medicines during the eruptive fever.

Dr.

Dr. Dimſdale depoſed, that he hath practiſed inoculation in a very extenſive manner for twenty years paſt without the loſs of a patient; that his practice is very ſimilar to that of the Priſoner at the bar; but that he has often inoculated without any preparation, and with equal ſucceſs; and that he aſcribes his ſucceſs chiefly to the cool regimen, and to his method of communicating the infection with recent fluid matter.

The laſt witneſs called was Mr. Monthly Review, who ſpoke to the character of the Rev. Mr. Houlton, on the credit of whoſe teſtimony the fate of the Priſoner at the bar almoſt entirely depends.

Gentlemen of the jury, having thus briefly ſummed up the evidence on both ſides, intentionally neglecting to animadvert as I went along, I ſhall now endeavour, as far as I am able, to ſtate this complicated affair in ſuch a manner, as to reduce it to a few ſimple queſtions; and if, after all,

it ſhould appear, that what hath been depoſed be inſufficient to explain the great myſtery, I ſhall think it my duty, for the ſake of truth, and in juſtice to the Priſoner at the bar, to give you as much of my own opinion as may be neceſſary to lead you to an equitable determination.

Firſt, then, I muſt obſerve to you, that the part of the indictment, which accuſes the Priſoner, in general, of preſerving the lives of the King's ſubjects, depends entirely on the depoſition of Mr. Robert Houlton; for though the evidence of Dr. Baker, and Mr. Chandler, may, in ſome degree, corroborate his teſtimony, yet they are, of themſelves, inſufficient. Some regard is certainly due to Mr. Houlton's ſacred function; but if you believe the gentleman who ſpoke to his character; if you view him in the light of a mere *noſtrum-puffer, a Merry-Andrew to the ſtage-itinerant*; in that caſe, you are not only to diſregard his function, but the whole of his evidence. But,

in juſtice to the Priſoner, I muſt farther obſerve, that though you were to admit the evidence of Mr. Houlton in full force and virtue; yet, as it hath been very ſufficiently proved, that there are a conſiderable number of operators, who are equally guilty of preſerving the lives of the King's ſubjects, you will doubtleſs conſider this as a malicious proſecution, and on that account alone you will be juſtified in acquitting the Priſoner: for though, in general, to ſin with a multitude be no excuſe, yet the nature of this offence is ſuch, that unleſs he be found ſingularly guilty, he is hardly guilty at all.

But he is likewiſe accuſed of adminiſtering medicines, the compoſition of which is unknown to the faculty in general. In anſwer to this charge, Dr. Ruſton hath demonſtrated, that calomel is the principal ingredient, and ſeveral other witneſſes have depoſed, that calomel hath long been an univerſal medicine on theſe occaſi-

ſions. Of this part of the indict-ment therefore the Priſoner ſtands fairly acquitted.

As to what relates to the other part of his practice, after the evidence you have heard, you can have no doubt, that he cannot with the leaſt appearance of juſtice be accuſed of ſingularity, as his cold regimen, his mode of prepa-ration, and method of communicat-ing the diſeaſe, are at this time ex-actly ſimilar to the practice of almoſt every other inoculator in this king-dom.

But admitting that you are ſatisfied of the reality of his great ſucceſs in the practice of inoculation, a natural queſtion will ariſe, namely, to what particular circumſtance is that ſucceſs to be attributed? Before we attempt to ſolve this problem, let us firſt re-collect the ſeveral opinions of thoſe who have been examined relative to this matter.

Mr. Houlton's opinion was, that it is owing to certain ſecrets in the art;

art; but it hath plainly appeared in the courſe of our proceedings that no ſuch ſecrets exiſt.

Dr. Baker was of opinion, that the ſucceſs is principally to be aſcribed to the free uſe of cold air; but in anſwer to this, I muſt obſerve, that there have been caſes, particularly one related by Dr. Glaſs, in his late pamphlet, in which this was found inſufficient.

Mr. Chandler attributes it to the practice of communicating the diſorder with crude lymph; but Dr. Dimſdale informed you, from long experience, that the mode of communication is a matter of indifference.

Dr. Glaſs aſcribes it to the effect of ſudorifics, adminiſtred at the period of eruption; but Mr. Chandler told you, that the Suttonian practice requires no ſuch effect from the medicines; and Dr. Dimſdale purſues a contrary method.

As to preparation, it evidently appears from the Levant practice, from that of the Somerſetſhire operator, and

and from Dr. Dimſdale's confeſſion, that it is a matter of much leſs importance than hath generally been ſuppoſed; or rather, it appears to be of no importance at all. Nevertheleſs, we are obliged to acknowledge, that fewer patients have died under inoculation within thoſe few years, than formerly, when the practice was in its infancy. It ſhould therefore ſeem natural to conclude, that ſome conſiderable improvement has been made; but the nature of this improvement appears, from the proceedings of this day, to be yet *in nubibus*. That this new method of inoculation hath been amazingly ſucceſsful, is beyond all contradiction; but that this ſucceſs is not confined to the Priſoner at the bar, is equally indiſputable. None of our patients die. The ſucceſs is univerſal. Whether we prepare our patients or not; whether we give them mercury, or no mercury; whether we inoculate with crude lymph, or with matter ultimately variolated;

whether

whether we ſweat them in the eruptive fever, or ſend them into the cold air; in ſhort, let us proceed as we will, to kill a patient by inoculation, ſeems to be out of our power.

From theſe *data*, I think, you may rationally conclude, that the Priſoner himſelf is totally ignorant of the real cauſe of his ſucceſsful practice; and if you are of that opinion, this being a Court of equity, you muſt neceſſarily acquit him of the crimes laid to his charge. But as judge of this Court, for the ſake of truth, and the more effectually to exculpate the Priſoner at the bar, I ſhall now endeavour to explain this myſterious affair.

The ſmall-pox hath been generally ranked among inflammatory diſeaſes, and certainly with propriety, if we conſider it only in it's firſt ſtage; but that, in it's natural progreſs, it becomes a putrid diſorder, is indiſputably true. Let us now ſuppoſe a number of patients ill of a malignant putrid

trid diſeaſe, the jail fever for inſtance. Let us ſuppoſe theſe unhappy beings pent up in the cloſe ward of an hoſpital, ſwallowing hot medicines, and denied the uſe of freſh air. In ſuch a ſtate the diſeaſe would certainly exert it's utmoſt virulence, and very few of the patients would recover. Let us farther ſuppoſe a number of patients, in a contiguous ward, receiving the infection from the others; but let us imagine their medicines leſs inflammatory, and the air leſs confined: is there a phyſician here preſent, who has the leaſt doubt that the diſorder, in this caſe, would be leſs malignant and leſs fatal? Let us yet farther ſuppoſe a third ward, contiguous to the ſecond, and the patients, infected from the ſecond ward, treated more on the anti-phlogiſtic and antiſeptic plan, and particularly indulged with freſh air: ſuch patients, I ſay, having caught a milder diſeaſe, and being more rationally treated, would more generally eſcape. But if we

carry

carry our ſuppoſition ſtill farther, as we gradually recede from the firſt ward, we ſhall find, by a parity of reaſoning, that the diſeaſe will at laſt retain no more of it's original malignity, than is barely ſufficient to communicate the infection. The diſorder will now aſſume ſo mild an aſpect as hardly to appear of the ſame *genus* with that from which it originally ſprung.

What hath been ſaid of the jail fever, will evidently apply to the ſmall-pox. We Europeans received it a malignant, a fatal diſeaſe; the fatality and malignancy of which, by the general practice of nurſes, and, indeed, of moſt phyſicians, hath, perhaps, been rather increaſed than diminiſhed: for, if an infectious diſeaſe may be rendered more mild by judicious treatment, it is no leſs certain, that a mild diſorder may, by a ſeries of improprieties, be gradually raiſed to ſuch a height of virulence, as to aſſume a new aſpect, and ex-

hibit phenomena ſo different from thoſe of it's parent diſeaſe, that, in the end, it will conſtitute a new genus. If this be admitted as a poſſibility, perhaps it might be no difficult matter to trace many of our diſorders to their origin, and to prove, that a conſiderable number are of our own creation; they are the offspring of medicine, the children of dulneſs or chimera, begotten upon old women.

The ſmall-pox, by a treatment diametrically oppoſite to that which reaſon, and a perfect knowledge of the nature of the diſeaſe, would have dictated, hath, through a ſeries of many ages, preſerved all the virulence with which it firſt burſt into Europe. But experience hath taught us, that, when produced by inoculation, it is much leſs fatal. Why? Is it becauſe thoſe that are inoculated are previouſly prepared? No: that is a very inſufficient reaſon; for you have heard, that, in the Levant, preparation

tion is diſregarded; and alſo, that ſome of the moſt ſucceſsful operators in this nation think it of little importance. We muſt therefore ſearch for another cauſe; to the diſcovery of which let us conſider, in what reſpect the communication by inoculation differs from that in the natural way. In the latter caſe the variolous *miaſmata* are conveyed into the body either with the air into the lungs, or with the ſaliva into the ſtomach: in the former, it is received into the ſyſtem by means of the lymphatic veſſels which are diſtributed over the ſurface of the body. There is yet another difference, perhaps a very eſſential one, namely, that in the natural infection, it is communicated by volatile particles, which probably may be in their nature more virulent than thoſe which are fixed. For my own part, I am of opinion that the ſmall-pox is a diſeaſe of the lymphatic ſyſtem only, and my opinion ſeems to be confirmed by the impoſſibility of communi-

cating the infection by inoculating with the blood. Be this as it may, it is indisputably true, that the crude lymph is sufficient to give the infection, and that there is no necessity to draw blood at the time of incision. Add to this, the frequent tumour of the lymphatic glands in the axilla soon after the operation.

From these premises, it seems rational to conclude, that the general success of inoculation is chiefly to be attributed to our mixing the fixed variolous ferment with the lymph on the surface of the body, by which means the viscera, most essential to our existence, are less affected, and the poison rendered less virulent by dilution. But the wonderful success of the present practice of inoculation remains yet to be accounted for.

I have told you, that the most malignant diseases may be rendered less malignant by proper treatment. The malignancy of the small-pox hath been considerably abated by inocula-

tion, and that malignancy hath been ſtill farther diminiſhed by the gradual introduction of the antiphlogiſtic and antiſeptic plan. So that in all places where inoculation hath been long practiſed, and the patients thus treated, the ſmall-pox will naturally become a mild diſorder, and the ignorant operators themſelves will be ſurpriſed at their unexpected ſucceſs.

This, gentlemen of the jury, I conceive to be a true picture of the preſent ſtate of inoculation in theſe kingdoms. You will now lay your heads together, and weigh well the evidence you have heard. If you are of opinion that the articles of the indictment have been ſufficiently proved; that the Priſoner hath in an eſpecial manner preſerved the lives of his Majeſty's liege ſubjects, by ſecret medicines and modes of practice unknown to all other practitioners, you will then find him guilty. If on the contrary, you think that theſe things

are not true, and that this is a malicious profecution, you will in that caſe acquit him.

The jury having laid their heads together, without going out of Court, were called over, and anſwered to their names.

Cl. of the Cr. Gentlemen of the jury, are you agreed in your verdict?

Jury. Yes.

Cl. of the Cr. Who ſhall ſay for you?

Jury. Our foreman.

Cl. of the Cr. Daniel Sutton, hold up your hand. You of the jury, look upon the Priſoner. How ſay you? Is Daniel Sutton guilty of the high crimes and miſdemeanors of which he ſtands indicted, or not guilty?

Jury. NOT GUILTY.

The Priſoner was acquitted, and diſcharged accordingly.

FINIS.

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